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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/057,025	01/24/2002	Chen-Kuei Chung	64,600-019	2074

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EXAMINER

BROOKE, MICHAEL S

ART UNIT

PAPER NUMBER

2853

DATE MAILED: 12/02/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

10/057,025

Applicant(s)

CHUNG ET AL.

Examiner

Michael S. Brooke

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_\_.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) 1-10 is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 11-20 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 01/24/02 is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

## Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_

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## DETAILED ACTION

### *Election/Restrictions*

1. Applicant's election of Group II in Paper No. 3 is acknowledged. Because applicant did not distinctly and specifically point out the supposed errors in the restriction requirement, the election has been treated as an election without traverse (MPEP § 818.03(a)).
2. On 11/26/02, the examiner contacted the Applicant's representative and informed him that the reply filed on 11/08/02 was incomplete, in that it did not address the election of species. Applicant's then elected to prosecute species 1, as shown in Figs. 1A-1N and 2A-2E.
3. Claims 1-10 are withdrawn from further consideration pursuant to 37 CFR 1.142(b) as being drawn to a nonelected invention, there being no allowable generic or linking claim. Election was made **without** traverse in Paper No. 3.

### *Drawings*

4. The drawings are objected to because in Figs. 1I-1K, '52" is used to identify a photoresist layer, that is used to form an ink passageway and in Figs. 1L-1N, "52" is used to identify the ink passage itself.
5. The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, the first and second

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insulating material layer...on said top and bottom surfaces must be shown or the feature(s) canceled from the claim(s). No new matter should be entered.

A proposed drawing correction or corrected drawings are required in reply to the Office action to avoid abandonment of the application. The objection to the drawings will not be held in abeyance.

### ***Specification***

6. The disclosure is objected to because of the following informalities:
    - The language "[a] developing step is not executed at this stage such that all the photoresist layers 38, either the exposed portion 44 or the unexposed portion 38, stays on top of the silicon substrate 10," found on p. 16:3-6, does not make sense.
    - The specification uses the terms "injection orifice", this should be changed to "ejection orifice."
    - The specification uses Ref. No. "52" to identify elements having different names. For example, on p. 17:7, "52" is used to identify an "injection passage, " while on p.18, "52" is used to refer to "an ink passageway" (line 13) or an "inkjet passage" (line 15).
    - Also, there is a question as to the correct title of the invention. The title listed on the Response to Office Action, filed on 11/08/02, is different than the title on the specification. Clarification of the appropriate title is requested.
- Appropriate correction is required.

***Claim Rejections - 35 USC § 112***

7. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

8. Claims 11-20 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

The scope of these claims is unclear, because claim 11 merges elements of the intermediate structures shown in Figs. 1A-1M with the final structure shown in Fig. 1N. Claim 11 recites that the head has a first and second layer of insulating material on the top and bottom of the substrate. These layers are identified by "16" and "18" and are shown in Figs. 1A-1M, which are the intermediate structures. These layers are not found in Fig. 1N, which is the final structure. However, claim 11 also recites "an ink chamber formed in the first photoresist layer in fluid communication with said funnel-shaped manifold." According to the specification, the ink chamber (40) is not formed until the final structure, shown in Fig 1N, is produced (p. 18:1-6). The "40" used in Fig. 1A-1M merely refers to a portion of the first photoresist layer that will be made into the ink chamber, but the ink chamber itself is not present in these intermediate structures. Thus, claim 11 recites elements which are found only in the final structure and elements which are only found in the intermediate structures. This renders the scope of the claims sufficiently ambiguous as to preclude prosecution on the merits, as it is unclear

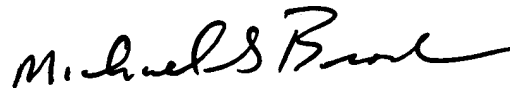
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whether the Applicant is attempting to claim one of the intermediate structures or the final structure. Accordingly, no prior art will be applied at this time.

9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Michael S. Brooke whose telephone number is 703-305-0262. The examiner can normally be reached on M-F 5:30-2:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Barlow can be reached on 308-3126. The fax phone numbers for the organization where this application or proceeding is assigned are 703-305-3431 for regular communications and 703-305-3431 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-305-4900.



Michael S. Brooke  
Examiner  
Art Unit 2853

MSB  
November 29, 2002